

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 5, 1964
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by DR. JOHN BARCLAY, Central Christian Church.

CONGRESSMAN J. J. PICKLE appeared before the Council expressing appreciation for the cooperation the Council gave in connection with the visit of President Johnson. As coordinator of the occasion, he stated the Council's endorsement and resolution meant a great deal to the entire event. The President said he would treasure this resolution always. Congressman Pickle was proud of the largest crowd they had ever had, and expressed pride in his City, the greatest in the world. Mayor Palmer said for many years, Austin Citizens had watched such events take place in some distant city, or read about them; and now it happened right here in Austin. The Mayor stated he was happy the people showed the President such a warm and neighborly welcome when he came home. He added this was also a Tenth Congressional Reception Homecoming, as this was where President Johnson started. He said the Congressman deserves much credit for coordinating all of the plans.

MR. ROGER HANKS stated he and MR. DICK PETTWAY were here on behalf of MRS. JESSIE McILROY SMITH, Chairman of the Travis County Historical Survey Committee, and MRS. CARLSON, Co-Chairman, to thank the Mayor for issuing the proclamation on November 3rd commemorating the birthdate of STEPHEN F. AUSTIN. Mayor Palmer read the following proclamation:

PROCLAMATION

WHEREAS, the City of Austin, County seat of Travis County, and the Capitol of Texas is commemorating its 125th Anniversary, and

WHEREAS, the City of Austin is named for Stephen Fuller Austin, born November 3, 1793, and

WHEREAS, the Third Congress of the Republic of Texas approved President Mirabeau Bounparte Lamar's recommendation to appoint a commission to select a permanent site for the State Capital of the Republic and that the same should be named for Stephen F. Austin, and

WHEREAS, the beautiful site that is now the City of Austin was approved by the commissioners on April 13, 1839. Edwin Waller, later to become Austin's first Mayor was selected as the Government Agent to start the construction of a pioneer village on May 2, 1839 with the first log capitol erected on the present site of the City Hall, and

WHEREAS, President Lamar's government officials and records arrived October 14, 1839. In November the fourth Congress convened in the new National Capitol and on December 27, 1839 incorporated the City of Austin and by act of January 19, 1840 made it the official Capitol of the Republic of Texas;

NOW, THEREFORE, I, Lester E. Palmer, Mayor of the City of Austin, on recommendation of the Travis County Historical Survey Committee, designate Tuesday, November 3, 1964 as

STEPHEN F. AUSTIN DAY

and request our citizens to join in giving due recognition to this day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Austin to be affixed this 2nd day of November, 1964.

Councilman Long moved that the Council join with Mayor Palmer in issuing the proclamation. The motion, carried by a unanimous standing vote.

The Council greeted and welcomed MRS. RICHARD ROBERSON, Junior League of Austin and MRS. RUTH ADAMS, League of Women's Voters.

Councilman LaRue moved that the Council approve the Minutes of the Regular Meeting of October 29, 1964, and Special Meetings of October 21, October 27, October 28, and November 2, 1964. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 18.54 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 57, AND (B) 0.44 OF ONE ACRE OF LAND OUT OF THE T. J. CHAMBERS SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Colony North, Section 2 and unplatted land)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on November 19, 1964, at 10:15 A.M. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"November 3, 1964

"TO: W. T. Williams, Jr., City Manager SUBJECT: Construction of a reinforced Concrete Bridge - Contract No. 64-D-22

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, November 3, 1964, for the construction of a reinforced concrete bridge on East 10th Street at Waller Creek known as Contract Number 64-D-22.

Larson & Pugh, Inc.	\$32,784.48
Texas Bridge Co., Inc.	\$33,210.25
Turner & Tucker, Inc.	\$33,357.60
Ed H. Page	\$36,306.28
Maufrais Brothers, Inc.	\$37,106.85
City's Estimate	\$35,097.05

"I recommend that Larson & Pugh, Inc. with their low bid of \$32,784.48 be awarded the contract for this project.

"S. Reuben Rountree, Jr.
Director of Public Works
s/ S. Reuben Rountree, Jr."

Councilman Long inquired about the progress on opening East 9th Street. The City Manager reported a meeting had been held with the Church trustees, and they will study the matter with their architects and engineers. Mayor Palmer inquired about the completion of the bridge. The Director of Public Works said the Company was starting next week and were scheduling the finishing of the bridge about the first of the year. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 3, 1964, for the construction of a reinforced concrete bridge on East 10th Street at Waller Creek, known as Contract Number 64-D-22; and,

WHEREAS, the bid of Larson & Pugh, Inc., in the sum of \$32,784.48, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Larson & Pugh, Inc., in the sum of \$32,784.48, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin be, and he is hereby authorized to execute a contract, on behalf of the City, with Larson & Pugh, Inc.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 19TH DAY OF NOVEMBER, 1964, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Burnet Road and sundry other streets)

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 19TH DAY OF NOVEMBER, 1964, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (East 19th Street)

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTIONS OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 19TH DAY OF NOVEMBER, 1964, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Cardinal Lane and sundry other streets)

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council had before it a refund contract with North Acres Corporation for installation of water main in Hollybluff Street in the amount of \$6,648.92. The City Manager reported this was a contract in a subdivision which was in Water District No. 7, which now belongs to the City, and is in accordance with the policy the Council adopted earlier. This covers water only and does not include any installation of sewer lines.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NORTH ACRES CORPORATION FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long moved that the Council grant KHFI permission to block off two parking meters in front of the J. R. Reed Music Company for two hours during the Veterans' Day Parade, November 11th. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor read an invitation to the Members of the City Council and the City Manager to participate in the All Veterans' Day Parade, Wednesday, November 11th, and to attend the luncheon sponsored by the Optimist Club in the Stephen F. Austin Hotel (Dutch treat). Mr. W. H. McGregor, State Adjutant General of the American Legion of Texas will be the speaker. The Mayor asked that the Council be notified of this invitation on November 10th.

The Council had before it the ordinance authorizing the extension of Social Security Coverage to include members of the Police Department. Police Chief Miles stated the provisions that had to be met before a person was eligible to vote, were they had to be a member of the Police Department at the time the resolution was passed asking that the election be held; they be a member of the retirement system, and had to be a member at the time of the election. There were 196 people eligible to vote, with 184 voting for the coverage, 10 voting "no" and two mutilated ballots. In analyzing the 10 they found they were not objecting to Social Security, but were hoping to get the extra contributions refunded. In answer to Mayor Palmer's inquiry, the City Attorney stated the policemen were eligible for retroactive coverage. The City Manager explained when Social Security was provided for other employees, an additional deduction was taken from the Policemen's checks, matched by contributions by the City to provide a fund called "In lieu of Social Security", which would increase the benefits of their retirement system; but which was intended to be used in the event Social Security became available for purchase of Social Security Coverage on a retro active basis. By having paid this money for several years back, the members are now fully eligible the same as if they had been members all the time. Those of retirement age are fully eligible; and after this Social Security has been consummated, should a policeman lose his life, his family immediately would receive benefits from Social Security rather than waiting through a period of years for benefits to be built up. Any Policeman who has contributed more than necessary to buy his retroactive Social Security will be refunded the difference. Chief Miles stated all had expressed a concern of being covered by Social Security.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF AUSTIN AND TO EXECUTE ALL INSTRUMENTS NECESSARY TO EXTEND SOCIAL SECURITY COVERAGE FOR ALL POLICEMEN TO THE CITY OF AUSTIN PURSUANT TO AGREEMENTS WITH THE STATE DEPARTMENT OF PUBLIC

WELFARE FOR FEDERAL OLD-AGE AND SURVIVORS INSURANCE BENEFITS UNDER THE PROVISIONS OF APPLICABLE STATE AND FEDERAL LAWS; DIRECTING THE DIRECTOR OF FINANCE TO MAKE SUCH ADDITIONAL OR SUPPLEMENTARY ASSESSMENTS, COLLECTIONS, AND REPORTS AS MAY BE NECESSARY TO PROVIDE COVERAGE FOR POLICEMEN; AND ORDERING THE ALLOCATION AND SETTING ASIDE IN THE REGULAR CITY DEPOSITORY IN THE FUND KNOWN AS THE CITY OF AUSTIN SOCIAL SECURITY FUND OF SUCH ADDITIONAL MONEY FROM AVAILABLE FUNDS AS MAY BE NECESSARY TO PROVIDE SOCIAL SECURITY COVERAGE FOR ALL POLICEMEN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Chief Miles on behalf of the Police Department expressed appreciation to all for the interest taken in making coverage possible. Councilman Long commended the Police Department that went beyond the call of duty over this week; and she had heard much praise of the Police Department, the Recreation Department, and the City as a whole for the wonderful job done in connection with the visit of the President of the United States.

The City Manager reported a meeting of the City Retirement Board recently at which it discussed investments, and recommended further diversifications in the System's investments to the extent of increasing the investment in the mortgage loans from 10 to 20%. He explained they would be FHA insured mortgages which produce a higher rate of return than any other investment the system had. There is a little over 5% interest, and no administrative costs to the City. The Mayor stated this would mean 20% to be invested in corporate stocks; 20% in mortgages, and 60% which would always remain in government securities. He stated this was a fine move; and when pensions are concerned, all funds are sacred funds, but a pension system to be administered for generations requires very careful handling.

Councilman Shanks moved that the Council accept the recommendation of the Committee. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Later in the meeting, Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 4, OF ARTICLE IX, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY" AS PASSED BY THE CITY COUNCIL ON OCTOBER 10, 1940 AND AS AMENDED FROM TIME TO TIME THEREAFTER BY AMENDING SECTION 1 (a) OF ARTICLE IX THEREOF PERTAINING TO INVESTMENTS OF FUNDS; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager reported a call from a resident on Monte Vista, stating if the City were seriously considering locating the tower light in that area, that there was a group that would like to appear to protest. The Mayor stated the tower had to be checked carefully to see if it were structurally sound; and asked if all requirements were met from the safety standpoint if the Council were ready to designate its location. Councilman Long moved that the tower light be placed in the area of 20th and Whitis or wherever the Electric Department recommends as the best location in that area. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager explained a request for a release of an electrical easement, which had been acquired sometime back to connect two substations. These lines are being rerouted in order to serve property along the route; and there is no need now for the easement. The easement crosses Wooten Terrace, Section 1. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated April 3, 1954, of record in Volume 1705 at Pages 60-61, an easement for electric purposes was granted the City of Austin, in, upon and across a certain tract of land out of the George W. Davis Survey No. 15, same now being the Proposed Wooten Terrace, Section 1, in the City of Austin, Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described easement, and,

WHEREAS, the City Council has determined that the hereinafter described easement should be released; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described electric easement, to-wit:

All that certain electric easement ten (10.00) feet in width, same being out of that certain tract of land out of the George W. Davis Survey No. 15, in the City of Austin, Travis County, Texas, and which easement is described in an instrument dated April 3, 1954, of record in Volume 1705 at Pages 60-61 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long had a request from MR. EARL TURNER about leasing the 23 acres on Northland Drive and Balcones for the next five years. It was reported the Council had rejected such an offer, as the amount of revenue to be derived would not off-set the cost of fencing; and even though the lessee fenced the area there would be complaints from the neighbors about the flies. The Mayor pointed out this area backed up to a very fine residential section.

Mayor Palmer listed the following invitations:

An invitation from Robert L. Wood, Vice President, Evans Young Wyatt, Inc., to attend the opening of CAMBRIDGE TOWER, February 28, 1965.

The Inaugural Ceremony of MR. JAMES HENRY McCROCKLIN as President of Southwest Teachers State College, 10:00 A.M., November 20th, San Marcos, Texas.

Pursuant to published notice thereof the following zoning applications were publicly heard:

LUCIEN DEAN	1501-1507 East 7th Street	From "C" Commercial
By E. H. Smartt	611-619 Onion Street	2nd Height & Area
		To "C-1" Commercial
		2nd Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman Shanks moved that the change to "C-1" Commercial 2nd Height & Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. F. BURNETTE	3706-3714 Interregional Hwy.	From "C" Commercial
By B. W. Burnette	1015-1019 East 38th Street	5th Height & Area
		To "C-1" Commercial
		5th Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman White, moved that the change to "C-1" Commercial 5th Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROGER S. HANKS	805-809 West 38th Street 3713-3717 Gaffney Street	From "A" Residence To "LR" Local Retail RECOMMENDED by the Planning Commission
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Councilman White moved that the change to "LR" Local Retail be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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LOIS TAWATER & LILLIAN PARR, By Robert H. Hatchett	8130-8142 North Interregional Highway 715-727 East Powell Lane	From "A" Residence 6th Height & Area To "C" Commercial 6th Height & Area RECOMMENDED by the Planning Commission
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Councilman Long moved that the change to "C" Commercial 6th Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change to "C" Commercial 6th Height and Area had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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F. O. CULLEN By Travis Association for the Blind	2901 Manchaca Road	From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission
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Councilman White moved that the change to "C" Commercial be granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

G. C. SPILLAR By F. S. Pearson	Tract 1 6001-6017 Interregional Highway 922-1010 Clayton Lane	From "C" Commercial 5th Height & Area & "A" Residence 1st Height & Area To "C" Commercial 1st and 5th Height & Area RECOMMENDED by the Planning Commission
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	Tract 2 Rear of 6007-6015 Inter- regional Highway	From "C" Commercial 5th Height & Area & "A" Residence 1st Height & Area To "C-1" Commercial 1st and 5th Height & Area RECOMMENDED by the Planning Commission
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Councilman White moved that the change be granted to "C" Commercial 1st Height and Area and 5th Height and Area for Tract 1 and to "C-1" Commercial 1st Height and Area and 5th Height and Area for Tract 2. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 1st Height and Area and 5th Height and Area for Tract 1 and to "C-1" Commercial 1st Height and Area and 5th Height and Area for Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

W. R. LONG, JR.	914 West 23rd Street 2301-2305 San Gabriel St.	From "B" Residence 1st Height & Area To "B" Residence 2nd Height & Area RECOMMENDED by the Planning Commission
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Councilman Shanks moved that the change be granted to "B" Residence 2nd Height and Area. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANKLIN W. DENIUS	Tract 1	
By Bryant-Curington, Inc.	Rear of 4543-4575 Fred-ericksburg Road	From "BB" Residence To "C" Commercial RECOMMENDED by the Planning Commission

	Tract 2	
	Rear of 4563-4603 Fred-ericksburg Road	From "C" Commercial To "BB" Residence RECOMMENDED by the Planning Commission

	Tract 3	
	Rear of 4500-4508 Tejas Trail	From "C" Commercial To "BB" Residence RECOMMENDED by the Planning Commission

Councilman Shanks moved that the change be granted to "C" Commercial for Tract 1 and "BB" Residence for Tract 2 and "BB" Residence for Tract 3. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial for Tract 1 and "BB" Residence for Tract 2 and "BB" Residence for Tract 3 and the City Attorney was instructed to draw the necessary ordinance to cover.

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CECIL O. SPRAY	8001-8003 Burnet Road	From "A" Residence
	2308-2314 Mahone Avenue	1st Height & Area
	Additional Area	To "C" Commercial
	8005-8009 Burnet Road	6th Height & Area
		RECOMMENDED by the Planning Commission

Councilman White moved that the change be granted to "C" Commercial 6th Height and Area. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

FRANK C. BARRON	1402-1420 Atkinson 6900-7226 Cameron Road 1404-1420 Westheimer Drive 1403-1421 Westheimer Drive 1309-1327 St. Johns Ave. 1310-1318 St. Johns Ave. 1309-1313 Radcliff Ave.	From Interim "A" Residence 1st Height & Area & "A" Residence 1st Height & Area To "GR" General Retail 1st Height & Area RECOMMENDED with exception of Lots 21 & 22, Blk. D, Sec. 2 (7220-26 Cameron Rd. & 1309-13 Radcliff Ave.)
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Mayor Palmer inquired if the recommendation of the Planning Commission was acceptable to Mr. Barron. The Planning Director reported it was. Councilman Shanks moved that the Council grant the requested zoning as recommended. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail 1st Height and Area with exception of Lots 21 and 22, Block D, Section 2. (7220-7226 Cameron Road and 1309-1313 Radcliff Avenue) and the City Attorney was instructed to draw the necessary ordinance to cover.

HERMAN MCKINNEY, ET AL, By E. M. DeGeurin	2706 Enfield Road 1502-1504 Exposition Blvd. Additional Area 1500 Exposition Blvd. 2700-2704 Enfield Road	From "A" Residence To "LR" Local Retail NOT Recommended by the Planning Commission
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Mr. DeGeurin called attention to the application for change of zoning of the corner lot on Exposition Boulevard and Enfield Road which had been pending since 1961, and which had been placed for consideration with the current application. He asked the Council to consider the zoning of the entire tract. He stated the objections by the Planning Commission concerned traffic, and the zoning's intruding into a residential area. Across the street are multi-unit apartment houses. He pointed out this particular property on Enfield Road did not have any deed restrictions. He displayed architectural drawings of the development, pointing out a fence was planned to surround the area, showed more than the required off-street parking areas, and described the center. Pictures of the vacant corner were filed, as was a letter from the Executrix of the Hickman Estate at 2607 Enfield Road, stating there was no objection to the rezoning of Mr. McKinney's property. Mr. DeGeurin stated the University planned some development of the

Brackenridge Tract near the Golf Course and the property under question is not suitable for building a large residence. He did not know where the people who were objecting came from, except two on Bonnie Road. The property is now dormant and this shopping center would be a beautiful development and would mean a considerable amount of revenue to the City. He asked the Council's favorable consideration.

Objections were heard from MR. CURTIS BISHOP, who lives immediately behind the property, stating the application had been rejected four times; they had on file a petition signed by about 100 people in opposition; that there was no commercial on Enfield Road within two miles of this area; and described the traffic as a dominating factor in this area. Growth in the area would not justify the continuous business of any more commercial operations; and it would even be worse to have the closed failing business and vacant buildings. Mr. Bishop said he did not believe this would be a promising business venture in this area; neither did he believe the University was just before developing the Brackenridge Tract. He asked the Council not to increase the value of this property at the expense of the neighbors. MISS LOUISE KIRK, represented herself and MR. TED EDWARDS, stating their properties were affected, and stated their lots were also in Westenfield the same as these, and they had always had Residential "A" restrictions, and this would be spot zoning now. She said Mr. McKinney purchased this lot in 1931, and does not have too large an investment in the property. She said the residential area was composed mostly of people whose children were grown, and the area was a quiet one. If this zoning is approved, more zoning would creep in. She asked that this area be kept residential, and strongly urged that the application be turned down. She discussed some deed restrictions which read "no residential construction herein shall cost less than \$25,000" and she had contemplated this was a residential development. Opposition was expressed by MRS. SIEGMUND, as she was facing a parking lot now across the street; by MR. SANDEL with the statement that this filling station would be in his front yard; by the citizen living at 1600 Exposition; and by MRS. FRED NOWLIN, stating this filling station would be in her back yard, and she would have cans and oil drums. Mr. McKinney said they bought the property contemplating commercial development and had checked into the deed restrictions at that time. The Mayor announced the Council would go look at this property on the ground. Action was deferred.

WILLIAM F. ZIDELL 1704-1710 West Avenue
By Stuart Benson

From "A" Residence
1st Height & Area
To "B" Residence
2nd Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "B" Residence
1st Height & Area

MR. SIDNEY PURSER represented the applicant, describing the property and showing on a plat the "B" Residence 2nd Height and Area classifications, and the "B" Residence 1st Height and Area zonings surrounding the property, stating the logical use would be for housing. Mr. Zidell applied for "B" 2nd Height and Area to permit construction of 46 units, and the Planning Commissions' recommendation would allow only 23. It would be impossible to get a loan on as few as 23 units. Mr. Purser showed plans of the development planned for 46 units, 46 off-street

parking places; and an additional 10 parking spaces if the back units were raised. Under a "B" 1st Height and Area, they could build 23 four bedroom units which would accommodate 180 people; or three bedroom units which would accommodate over 100 people. The proposed development would involve only 90 people under "B" 2nd Height and Area. MR. RAYMOND DEAR, owner of 120' of property directly behind the property in question, stated changing the zoning would affect real estate values. He would like to see the area remain residential; but if the zoning is going to be changed, he requested the Council to have an area study and change the entire block so that all would have the same zoning. Mayor Palmer blocked out such an area as being from Pearl to West Avenue; and from 17th to 19th Street. The Planning Director stated the difference of going back into Pearl Street would be the 50' and 60' streets with single family uses on small lots, while on West Avenue, the lots are larger, and the street is wider. Mayor Palmer read a letter from MR. CARL H. STAUTZ, protesting the change, and stating his property adjoins Mr. Zidell's and that an agreement was worked out on his property limiting it to a specific number of apartments, far less than he could build under the ordinance. If this zoning were granted, he would be placed in a discriminatory position. In his letter, Mr. Stautz stated the density would be too great, and should be cut down. MR. E. AHLGRIMM, 804 West 17th Street, owns the lot next door to Mr. Zidell, stated his property on the west and south would be definitely injured. The students do not park on the area designated for off-street parking, but continue to park on West Avenue, and create a parking problem in front of his home. He protested the 2nd Height and Area, but said the entire block should be changed to "B" 1st Height and Area.

MR. CLINT SMALL, Member of the fraternity at this location, stated this change of development would be a relief to the neighborhood. No one would buy the property as a residential site, and the old house cannot be renovated or repaired. Mr. Purser stated the opposition seemed to be based on number of occupants, and the proposal under the 2nd Height and Area would be less than they actually would be allowed under what they could build in "B" 1st Height and Area. They propose 32 one bedroom units and 12 or 16 two bedroom units. Mr. Purser, in answer to Councilman Shanks' inquiry about accepting a zoning similar to Mr. Stautz', stated they would agree to something between "B" 1st Height and Area and "B" 2nd Height and Area. Councilman Long compared this application with the one on West 23rd and San Gabriel which the Council had just approved, and said she could see no justification in not granting 2nd Height and Area on this tract also. Mayor Palmer recalled that the zoning at that location was changed in height and area only, while this is a change from "A" to "B" 2nd Height and Area. Mr. Purser stated as to the area study, it would be very good, but they were ready to go with their development now. MR. AHLGRIMM stated the building should be sold to some organization and restored. MRS. DEAR said the sorority never disturbed them, but she did not believe 200 people would ever be in that house. Mr. Small stated the house had been condemned by the University as a fraternity. MR. DEAR pointed out on the 23rd and San Gabriel property that this area had been determined as a high density area from 19th north to 26th. This property under consideration is south of 19th Street. Mr. Dear, in response to Councilman Shanks' inquiry, stated he would have no opposition to "B" 1st Height and Area on the property nor of a zoning similar to that granted Mr. Stautz. MR. PURSER again reminded, 180 people could be housed under "B" 1st Height and Area, and stated his clients would be happy to make a deed restriction to limit the construction to a certain number of one bedroom units and two bedroom units which would assure less than 100 occupants. The Council wanted to make an on-site inspection of this property. Action was deferred.

Councilman Shanks moved that the Council sustain the recommendation of the Planning Commission and deny the change of zoning. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

There being no further business, Councilman LaRue moved that the Council adjourn. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned about 1:30 P.M. subject to the call of the Mayor.

APPROVED

Sam E. Palmer

Mayor

ATTEST:

Elvie Woodley

City Clerk